HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.27918 OF 1995

DATE:06.03.2006

Between:

R.Krishna Moorthy and 20 others

..... PETITIONERS

AND

The District Collector,

Chittoor; and another.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.27918 OF 1995

ORDER:

Petitioners claim to be occupied small extents of lands adjacent to the Kuppam Market Compound during the years 1965-66 and they have been doing petty business by erecting bunks in those lands. The petitioners filed an appeal before the District Collector, Chittoor against the resolution passed by the Kuppam Gram Panchayat for enhancement of the rental value for each bunk from Rs.50/- to Rs.100/- and to receive an advance of Rs.500/- from the owner of the each bunk from April, 1994 apart from authorizing the Executive Officer to take over the bunks from the ensuing bunk owners if they fail to fulfill the conditions and to allot the same to the persons through open auction. The District Collector, who entertained the appeal in ROC.No.730/94,B2(Pts), by order dated 19.3.1994 stayed the implementation of the resolution passed by the Gram Panchayat, Kuppam and called upon the Divisional Panchayat Officer, Madanapalle to visit the Kuppam Gram Panchayat and submit his report. Pending the said appeal, the petitioners invoked the jurisdiction of this Court under Article 226 of Constitution of India.

Since the statutory remedy of appeal availed by the petitioners is pending before the District Collector, the writ for the very same cause, cannot be entertained as held by the Apex Court in **Bombay Metropolitan Region Development Authority, Bombay v. Golak Patel Volkart Ltd.** ((1995) 1 SCC 642). Further, this Court in W.P.No.6314 of 1994 after taking note of the proceedings pending before

the District Collector, directed that pending disposal of the proceedings in ROC.No.730 of 1994, B2 (Pts), dated 19.3.1994 by the District Collector, resolution No.3 passed by the Kuppam Gram Panchayat dated 29.1.1994 should not be given effect to. The District Collector was further directed to dispose of the case within a period of two months.

Learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj are not in a position to say the outcome of the appeal. In view of the same, the interim direction obtained by the petitioners in W.P.M.P.No.34454 of 1995, dated 12.12.1995 shall be in operation till the disposal of the appeal pending before the District Collector. The District Collector is also directed to dispose of the appeal filed by the petitioners as expeditiously as possible, if not already disposed of and if it is already disposed of, communicate a copy of the said order to the petitioners.

With the above directions, the writ petition is disposed of. No costs.

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A. GOPAL REDDY, J

06th MARCH, 2006.

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